

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MAISA KURDI,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
TRANSPORTATION,

Defendant.

Case No. 1:22-cv-00729-JLT-EPG

ORDER DENYING REQUEST TO  
CONTINUE TRIAL DATE

(ECF No. 65)

This matter is before the Court on Plaintiff Maisa Kurdi's request to continue the trial date. (ECF No. 65). For the reasons explained below, the Court will deny the request and set a status conference to set the remaining dates in this case.

Throughout the majority of this case, which was filed in June 2022, Plaintiff proceeded with counsel. However, on July 16, 2024, Attorney John A. Shepardson moved to withdraw as Plaintiff's counsel, mainly because Plaintiff allegedly failed to provide a retainer fee for trial and communicate with counsel. (ECF No. 56). The Court held a hearing on the motion, at hearing which Plaintiff personally appeared, and ultimately granted the motion. (ECF Nos. 61, 64). Notably, the Court issued an order on September 6, 2024, vacating the remaining dates in this case—the pretrial conference and trial dates—and stating as follows:

By no later than January 10, 2025, Plaintiff shall file a signed and dated statement, reporting whether she has obtained new counsel, and if not, whether she intends to proceed without counsel in this case. Alternatively, if Plaintiff obtains new counsel, the attorney may file a notice of appearance on the record by no later than

1 January 10, 2025.

2 If new counsel timely appears, or if Plaintiff timely files a statement that she  
3 intends to proceed without counsel, the Court will reset the pretrial conference and  
trial dates.

4 (ECF No. 64, p. 3).

5 Plaintiff has filed a statement, dated January 15, 2025, stating that she has been trying to  
6 find a new attorney but it “has been extremely difficult to find one.” (ECF No. 65, p. 2). She  
7 requests that the trial be continued for at least three to five months while she continues to find a  
8 new attorney.

9 Defendant opposes the request, primarily because the trial has already been vacated, the  
10 statement “does not indicate whether Plaintiff is prepared to proceed to trial without  
11 counsel, should she be unable to retain counsel,” and Plaintiff has already had about 4 months to  
find counsel.<sup>1</sup> (ECF No. 66, p. 2).

12 Upon review, the Court will deny Plaintiff’s request and set a status conference to set the  
13 remaining dates in this case. First, as Defendant notes, there is no need to continue the trial as that  
14 date was already vacated (along with the pretrial conference). Second, to the extent that Plaintiff  
15 requests more time to hire counsel, she has already had approximately four months to do so, and  
16 the Court does not find it appropriate to further delay this case, which has been pending since  
17 June 2022. Lastly, Plaintiff still has not indicated whether she will proceed *pro se* for the  
18 remainder of this case if she cannot find counsel as directed by the Court’s prior order.

19 Accordingly, IT IS ORDERED as follows:

- 20 1. Plaintiff’s request to continue the trial date, including any request for more time to hire  
21 counsel, is DENIED. (ECF No. 65).
- 22 2. A status conference is set for February 12, 2025, at 10 a.m. to reset the remaining dates in  
23 this case.
- 24 3. To participate in this conference (and any future telephonic proceedings before Magistrate  
25 Judge Erica P. Grosjean), the parties shall use the following new dial-in information: To  
26 connect to the telephonic conference, the parties shall (1) dial 1-669-254-5252, (2) enter

27 \_\_\_\_\_  
28 <sup>1</sup> The opposition also objects to the filing because it was untimely filed. However, the Court will not deny  
the request because it was filed 5 days late.

1       161 733 0675 for the meeting ID followed by #, (3) enter # when asked for the participant  
2       ID, (4) enter 740484 for the meeting passcode followed #, and (5) enter \*6 to unmute.  
3       4. Plaintiff is advised that the failure to participate in this conference (and any other court  
4       proceedings) or to follow any court orders may result in the dismissal of this case.

IT IS SO ORDERED.

Dated: **January 21, 2025**

/s/ Eric P. Grosz  
UNITED STATES MAGISTRATE JUDGE